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April 15, 2024

**VIA CM/ECF**

Hon. J. Paul Oetken, U.S.D.J.  
United States District Court  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

RE: *Kim Emile V. Ethical Culture Fieldston School, et al*  
Case No.: 1:21-cv-03799-JPO

Dear Judge Oetken:

I am counsel of record for the plaintiffs in the above settled action and write the Court in opposition to Mr. Schoenfeld's request on behalf of the defendants to delay their deadline to pay The Cochran Firm's fee based upon the charging lien that this Court upheld in its March 21, 2024, order. The Defendants' have not stated a basis upon which they seek to delay payment of the Cochran Firm's fee in this case. To the extent that the Defendants are concerned that the Emile Plaintiff's may appeal the decision of this court, that is not a basis to delay payment of the charging lien. The Cochran Firm would be happy to provide Defendants' with a hold harmless or other similar guarantee pending the outcome of the appeal. But in no event should Defendants be allowed to simply hold on to the settlement proceeds as they relate to the Cochran Firm's fee.

The Cochran Firm takes no position on whether the plaintiffs' share of the settlement proceeds be held in abeyance.

Thank you for your consideration in this matter.

Respectfully submitted,

/s/ Derek S. Sells  
Derek S. Sells, Esq.